



MEMO ENDORSED

U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

November 11, 2021

By ECF

The Honorable Kenneth M. Karas
United States District Judge
The Hon. Charles L. Brieant Jr.
Federal Building and United States Courthouse
300 Quarropas St.
White Plains, NY 10601-4150

Re: *Martinez Trujillo et al. v. United States*, No. 20 Civ. 7821 (KMK)

Dear Judge Karas:

I write on behalf of both parties to respectfully request a 45-day extension of the discovery deadlines in the above-captioned medical malpractice action stemming from alleged injuries incurred during Plaintiff Amada Victoria Martinez-Trujillo's labor and delivery on April 2, 2018. Currently, fact discovery is set to conclude November 19, 2021; expert discovery concludes and dispositive pre-motion letters are due January 28, 2022, with response letters due February 4, 2022; and the final pretrial conference is scheduled for February 9, 2022.

The parties have conducted depositions of relevant medical personnel and of Plaintiffs, who were deposed on November 8 and November 10. Additional time is required, however, to complete fact discovery for several reasons. First, the parties have one remaining deposition to complete—that of midwife Nancy Solomon—and, due to scheduling conflicts, the earliest date when counsel and the witness are available is December 22. Second, at Plaintiff Amada Victoria Martinez-Trujillo's deposition on November 8, she testified about the existence of photographs depicting her alleged injuries. On November 9, the Government issued supplemental discovery requests for production of any photographs or videos of plaintiff's alleged injuries. The Government also requested authorization for release of medical records from a physician who, according to Plaintiff, assessed Plaintiff's alleged injuries and referred her to surgery. Finally, the parties have yet to obtain medical records relating to Plaintiff's prior labor and delivery at a hospital in Mexico. Plaintiffs continue to make efforts to obtain those records but have been unsuccessful to date. For these reasons, the parties respectfully requests that all discovery deadlines be extended by 45 days, such that fact discovery would conclude January 3, 2022;¹ expert discovery would conclude and dispositive pre-motion letters would be due March 14, 2022, with response letters

¹ Under this schedule, Plaintiffs would serve their expert reports at the conclusion of fact discovery on January 3, with the Government's reports due three weeks later on January 24, 2021.

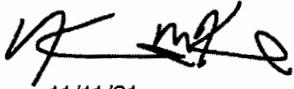
due March 21, 2022; and the final pretrial conference would be scheduled after March 21 at the Court's convenience.

This is the parties 'third request for an extension of discovery. The prior requests were granted.

We thank the Court for its consideration of this request.

Granted, one last time. The next case management conference will be held 3/23/22, at 10:00. The pre-motion letters are moved accordingly.

So Ordered.



11/11/21

Respectfully,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

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